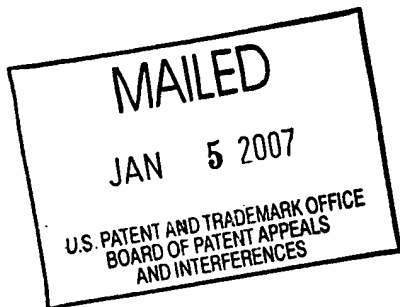


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte FUMIHIRO SONODA

Application 09/774,013

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 26, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On December 18, 2006, applicant timely filed a Supplemental Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, § 41.43 states:

Application 09/774,013

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

There is no indication in the record that the examiner has acknowledged receipt of the Supplemental Reply Brief.

Further, on July 21, 2006, appellant filed a "REQUEST FOR ORAL HEARING". However, on August 1, 2006, appellant filed a "WAIVER OF REQUEST FOR ORAL HEARING" requesting a refund in the amount of \$1,000 for the Oral Hearing. PALM (Patent Application Locating and Monitoring) indicates this refund has not been processed.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration and proper response to the Supplemental Reply Brief, for a refund for

Application 09/774,013

the request for Oral Hearing, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. P. Edgell per Dale Shaw
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

GJH

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213